

**BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON**

IN THE MATTER OF ENFORCEMENT)
ACTION AGAINST)

PDC CASE NO.: 00-875 & 00-876

City of Seattle,)
Seattle Department of Parks and Recreation)

STATEMENT OF FACTS

Respondent.)

1. For purposes of a joint stipulation before the Commission to resolve the issues in this proceeding short a full enforcement hearing, the Public Disclosure Commission (PDC) Compliance Staff (Staff) and the City of Seattle (City), Respondent stipulate and agree to the facts set forth herein. This Stipulation shall be null and void in any other proceeding, including, but not limited to, an enforcement proceeding pursuant to RCW 42.17.395.
2. The Respondent is a local government entity and an agency as defined in RCW 42.17.020.
3. On March 10, 1998, Melissa Warheit, former Executive Director of the PDC, attended a meeting of the Seattle City Council Government Education and Labor Committee. In attendance were Sue Donaldson, former City Council President and Committee Chair, Jan Drago, Vice Chair, Sandy Cohen, legal advisor to the Council, and Carol Van Noy, Executive Director of the Seattle Ethics and Elections Commission.
4. At the meeting, Ms. Warheit explained that under the current interpretation by the PDC, agencies were permitted under RCW 42.17.190 to lobby the legislature directly, but were barred from lobbying the legislature indirectly by expending public funds to urge

1 citizens or segments of the public to lobby the legislature on behalf of the agency.
2 **(Transcript, p. 2 - 4).**

- 3 5. In a February 23, 1978 memorandum to “State and Local Agency Heads,” Graham
4 Johnson, Administrator of the Public Disclosure Commission, explained:

5 Some counties and cities in the state operate in accordance with their charters.
6 If such a “home rule” city or county is spending public funds to support
7 lobbying efforts pursuant to a provision of its charter, a specific ordinance, or a
8 resolution it has adopted to authorize its officials and employees to lobby, it
9 would not report its lobbying activities and expenses on the L-5 form. **(Feb. 23,**
10 **1978 Johnson Mem.).¹**

- 11 6. Ms. Warheit pointed out, “[I]f you look at subsection 2, it says, ‘Unless you’re
12 otherwise authorized by law’”. **(Transcript, p. 8).** She suggested, “that might be
13 something that you want to explore further.”

- 14 7. At the close of the meeting Ms. Donaldson stated, “I think we are going to have to
15 continue to review this because it seems to [run] counter to our role as representing the
16 citizens and wanting the citizens to be engaged in the legislative process, not just in the
17 city but in Olympia so it’s helpful and we really appreciate your joining us to make
18 clear your position. . . .” **(Transcript, p. 5).**

- 19 8. During the 1999 legislative session, the City of Seattle included in its legislative agenda
20 a modification to the Metropolitan Park District (MPD) law after public input and open
21 meetings. This legislation was considered a “Critical Issue” by the City. (1999
22 Legislative Agenda). The City’s proposed modification to the MPD statute did not pass
23 the Legislature in 1999.

24 ¹ The statute was subsequently amended to require charter cities to file the L-5 form.
25

1 9. On March 15, 1999, Kenneth R. Bounds, Superintendent of the Seattle Parks
2 Department, sent a letter to parks advocates outlining the issues in the proposed bill.
3 The letter states, in part: "...you have probably read or heard discussions about
4 pending legislation that would make changes to the existing state law governing
5 Metropolitan Park Districts. This is potentially important legislation for Seattle's Park
6 system...The proposed changes under consideration by the State Legislature would
7 streamline its operation in Seattle by allowing the Mayor and City Council to serve as
8 the MPD board. Other changes that are being made would ensure that, if created in
9 Seattle, basic protections would remain in place for the park system." Mr. Bounds
10 continues by saying: "I or a member of my staff would be happy to attend a meeting of
11 your local community organization to discuss the possibility of an MPD in Seattle and
12 any concerns or questions you might have... I appreciate your continued commitment
13 to and support of Seattle Parks and Recreation as well as your thoughtful consideration
14 of this issue." (Doc S081101103)

15 10. On May 3, 1999, Seattle Mayor Paul Schell issued a memorandum to the City Council
16 regarding "The Mayor's Proposed Strategic Capital Agenda." Mayor Schell states that
17 "A major theme is the need to increase open space and provide better park and
18 recreation facilities in Seattle. Assuming that our proposed MDP amendments are
19 approved by the Legislature in 2000, I expect to propose a neighborhood parks and
20 open space levy. . . . I recognize that we do not yet have community consensus on the
21 value or the uses of such a levy. Thus, I have asked the Parks Department and
22 Department of Neighborhoods to begin a process to engage citizens throughout Seattle
23 in order to develop a better understanding of this idea and guide us through the use of
24 the funds.... I believe the resulting community support will enable us to get a revised
25 MPD bill through the Legislature in 2000. I will then propose that we submit the
neighborhood parks and open space levy to the voters in the fall of 2000." (Doc
S0811001110)

1 11. In June, 1999, the PROParks 2000 Citizens Planning Committee was formed.
2 Members of the PROParks Committee were selected with input from the Mayor, the
3 City Council, the Department of Parks and the Department of Neighborhoods, from
4 individuals with a “variety of interests and backgrounds related to park, recreation and
5 open space needs throughout our city.” **(Doc S0811001122)** Patricia McInturff, Deputy
6 Superintendent of the Parks Department, testified that:

7 I also had a list of people who had objected to the legislation that we’re
8 referring to as MPD the year before and wanted to make sure that we also had
9 some people who had been critics of the Parks Department on that committee. I
10 remember a letter that I think had five signatures of people who were park
11 advocates who had criticized the process and I think I remember that we invited
12 four of the five on that signature list . . . to join the committee. . . .**(Transcript
of P. McInturff interview by PDC staff, p. 18-19).**

13 12. “In response to the Mayor’s Proposed Strategic Capital Agenda,” Ken Bounds,
14 Superintendent of the Seattle Parks Department, and Margaret Ceis, Chairman of the
15 Park Board of Commissioners, convened the first meeting of the ProParks 2000
16 Committee on June 23, 1999. **(Doc S0811001122)** The Committee met in the
17 boardroom of the Seattle Parks Department. **(Doc S0811001122)** The Committee was
18 chaired by one of its members, James Fearn. **(Transcript of P. McInturff interview
by PDC staff, p. 47).**

19
20 13. In August, 1999, the Seattle City Council adopted Resolution 30003, “affirming the
21 formation of a citizens’ committee to ensure citizen participation in the development of
22 a package of parks, open space and recreation projects and programs and a proposed set
23 of options to fund the package of projects and to achieve the funding and management
24 objectives of the Woodland Park Zoo and Seattle Aquarium.” **(Doc S0811000306).** In
25 addition to the Zoo and the Aquarium, the “package of projects” included:

- Recommendations made by citizens in 38 neighborhood plans;
- “Priority athletic field and gymnasium improvements on City and School District property” that were identified in the 1997 Joint Schools/Parks Athletic Development Program;
- Recommendations by a “Blue Ribbon Committee” regarding a new Magnuson Park Peninsula Plan for Sand Point; and
- The Arboretum. **(Doc S0811000306).**

14. The resolution stated:

The City of Seattle directs this committee to evaluate and recommend funding tools available, including bonds, levies and junior taxing districts.

The City of Seattle requests that this committee develop a proposed package of parks, open space, boulevards, and recreation projects and programs and identify strategic options to fund these improvements, acquisitions, operations, and maintenance to present to the Mayor and the City Council. **(Doc S0811000306)**

15. After the first PRO Parks 2000 Committee meeting, Ken Bounds wrote to the committee members, “In response to your feedback from the first meeting, we have broadened the outreach about this committee’s work to the larger Seattle community. . . . A broad mailing announcing the committee’s work was distributed to over 250 park and recreation advocates. We are continually adding names to that list and are sending out updated information to those advocates that have contacted us and requested information. . . . Additionally, the Department’s website has been updated to include information on the committee’s work and dates for upcoming meetings.” **(Doc**

1 **S0811001198**). Members of the public did attend PRO Parks 2000 committee meetings,
2 including complainant Chris Lehman. **(Doc S081100 0408)**.

3 16. On October 10, 1999, Kenneth Bounds entered into a contractual agreement with Janet
4 Pelz, a public affairs consultant. **(Doc JP 0322012282-3)**. Ms. Pelz testified to the
5 following description of her role:

6 My role in facilitating was to try to help the committee reach the goals and
7 objectives that it set for itself so if for instance it wanted to arrive at a work
8 product within a certain period of time, as a facilitator I tried to help them
9 structure their discussions and their considerations so they would arrive at that
10 work program on that schedule. (Transcript of J. Pelz interview by PDC staff, p.
11 8). Ms. Pelz began attending PRO Parks 2000 Committee meetings in August,
12 1999. **(J. Pelz Transcript, p. 5)**.

13 17. On October 13, 1999, Ken Bounds wrote to Co-Speaker Frank Chopp:

14 On behalf of the PRO Parks 2000 Committee, I would like to extend an
15 invitation to you to attend and participate in our next PRO Parks 2000
16 Committee meeting The PRO Parks 2000 Committee is comprised of 28
17 Seattle citizens. . . . Mayor Schell and City Councilmembers hope to incorporate
18 the recommendations of the Committee when the City's state legislative agenda
19 is forwarded later this year. . . . The Committee is very interested in hearing
20 your perspectives regarding the political feasibility of pursuing additional local
21 taxing authority to provide added revenues for parks, recreation, open space and
22 maintenance in the City of Seattle. Several other state legislators have been
23 invited which will help to provide a broad perspective for the committee. **(Doc**
24 **S0811001261)**.

25 18. Attached to the letter was a list of specific questions, which began, "In order to make
informed and realistic recommendations the Committee would greatly appreciate your

1 opinion, as a state legislator, on the specific questions listed below.” (Doc
2 **S0811001265**). The specific questions included:

- 3 1. How is the Legislature likely to respond to a request for new local taxing
4 authority (in other words, not a modified MPD) but some new vehicle for parks
5 and recreation purposes? If not property tax, do any other opportunities exist,
6 such as dedicated sales tax, that could capture financial support for local parks
7 and recreation and/or regional facilities such as the Zoo and regional parks?
- 8 2. If we decide to recommend legislation that would modify the existing MPD
9 authority, the Committee would like to avoid the problems experienced last year
10 by drafting a viable package of modifications to existing law prior to the
11 session. From your perspective, do the following modifications to existing
12 junior taxing district law help or hurt the chances of getting the legislation
13 passed. . . . (list of specific modifications followed).
- 14 3. How is the Legislature likely to respond to a request for legislation that gives
15 cities the option, with the vote of the people, to access unused junior taxing
16 district capacity (\$.50) for limited parks and recreation purposes, provided that
17 they forgo their ability to create a Metropolitan Parks District?

18 Whether a modified MPD or some new taxing authority, we would like your
19 perspective on the following over-arching political questions:

- 20 1. How do the following help or hurt chances for gaining legislative approval:
 - 21 • Full support from the Zoo Society – a private non-profit organization
 - 22 • Full support from the Seattle Aquarium Society – a private non-
 - 23 profit organization
 - 24 • Support from Seattle neighborhood activists
 - 25

- Support from Seattle elected officials
- Significant bipartisan support
- Opposition from any of the above

2. Is there a difference between how the current Legislature would respond to amending laws governing existing junior taxing district authority (MPD) vs. creating new taxing powers for cities, even if both options result in the identical legal authority to levy the same amount of taxes at the local level, with voter approval?

3. Are there other issues the Committee should be mindful of?

19. Four legislators attended the October 20, 1999 PRO Parks 2000 Committee meeting— Senator Jim Horn, Representative Maryann Mitchell, Representative Frank Chopp and Senator Jeanne Kohl-Welles. Senator Horn described a bill he had proposed in 1999 as an alternative to the MPD. The Horn bill would provide funding without addressing local governance. **(Doc S0811000410-11).**

20. During the discussion of options, Senator Kohl-Welles stated, “The bottom line is that there has to be a bill crafted with widespread support from the community.” **(Doc S0811000409).** Representative Chopp stated, “The main message is that you have to make up your mind quickly. Early January is too late to start pushing this – make up your mind and then act now.” Representative Mitchell stated, “Whatever the solution is – it needs to be nearly unanimous. Think of the good of the project and be ready to compromise.” **(Doc S0811000410).**

21. The Pro Parks committee decided that for their next meeting they should: 1) Hear from the Zoo Society; 2) “Determine which attributes strengthen the proposals to the greatest extent”; 3) “Compare the strengths and weaknesses” of two different potential

1 legislative strategies; and 4) “Vote on a preferred strategy in preparation for making a
2 final recommendation to the Executive and City Council by the November 10
3 meeting.” (Doc S0901001938).

4 22. In an October 29, 1999 memorandum created with city resources, to the committee
5 members, Patricia McInturff summarized the two legislative strategies under
6 consideration by the committee and stated, “In considering these two options, I hope
7 you will remember three points made by the legislative panel:

- 8 1) Strive for consensus. We have the best chance of winning something in Olympia
9 when we have the broadest coalition of support.
- 10 2) Arriving at consensus usually requires compromise. Each committee member
11 should be prepared to negotiate on some points in order to get the strongest overall
12 position.
- 13 3) Time is of the essence. The legislative session is starting soon and will be over
14 quickly. If we wish to have any chance for success, we’ve got to present a unified
15 front as soon as possible. (DocS0901001936)

16 23. In anticipation of the 2000 Legislative Session, the City, through Resolution 30058 of
17 its City Council, adopted a State Legislative Agenda. The introductory part of the
18 Resolution included the statement that, “ WHEREAS, the City of Seattle’s Legislative
19 Agenda is built with input from our city departments, elected officials, and regional
20 government agencies and advocates, and the City will lobby the Legislature in
21 cooperation with these entities.” (Doc S0811000001). The body of the Resolution
22 stated:

23 Section 1. Achievement of the goals set forth in the attached 2000 State
24 Legislative Agenda through passage of laws or amendments to existing laws or
25

1 to the State Constitution shall be given substantial efforts by the City of Seattle
2 during the 2000 session of the Washington State Legislature.

3 Section 2. The Mayor and City Council President may authorize departmental
4 representatives and the Office of Intergovernmental Relations to represent the
5 City on additional issues by placing a jointly signed letter on file with the City
6 Clerk. **(Doc. S0811000002).**

7 24. The first “Critical Issue” listed in the Agenda was stable funding for parks, the zoo and
8 the aquarium. Specifically, the Agenda stated: “Working with parks advocates, labor
9 leaders, the Zoo Society, Arboretum, and the SEAS [Seattle Aquarium Society],
10 support legislation that authorizes local elected officials to seek a stable funding source
11 for parks, open space, the zoo and the aquarium. Support adoption of funding
12 proposals recommended by the PRO Parks 2000 Committee.” **(Doc S0811000012).**

13 25. The PROParks 2000 Committee recommended to the Mayor and City Council that the
14 City seek changes in State law regarding local parks funding and management. The
15 Committee’s bill, developed in November and December 1999 with assistance from the
16 City Parks and Law Department staff, was introduced January 19, 2000 in the State
17 Legislature. The bill, Senate Bill 6566, would have offered cities with a population of
18 more than 150,000 that were not in a metropolitan park district the option of putting a
19 ballot measure before their citizens for authority to “levy an additional regular property
20 tax for constructing, maintaining, and operating a public zoo, aquarium, parks, and
21 open space.” In addition, it would have allowed for the nonprofit management of “a zoo
and/or aquarium.” (Exhibit #25, p.1).

22 26. Two members of the Pro Parks 2000 committee testified in favor of the bill before the
23 Senate State & Local Government Committee. One of the complainants in this case,
24 Chris Leman, testified against it. (Exhibit #25, p.2).
25

1 27. In December, 1999, an employee of the Seattle Parks Department utilized city
2 resources to draft a letter from the PRO Parks 2000 Committee to legislators urging
3 support of the bill in the upcoming Legislative Session. On December 15, 1999, using
4 city resources, Patricia McInturff emailed the public affairs consultant for the
5 Woodland Park Zoo Society and explained that the letter was being edited and would
6 soon be available for committee members to sign and send to legislators. (**Doc**
7 **S0811000042**). The letter was signed by all 28 members of the PRO Parks 2000
8 Committee and sent to legislators on January 4, 2000. (**Doc S081100066-68**).

9 28. Beth Purcell, an employee of the Seattle Parks Department, utilized city resources to e-
10 mail PRO Parks 2000 Committee members on December 17, 1999. The e-mail stated:
11 "Congratulations! We are excited to announce that the legislation, crafted by your
12 Committee, has been accepted by the City and forwarded to the state legislature.
13 Attached is a copy of that legislation; we know you will agree that Sandy Cohen, from
14 the Law Department, did a terrific job incorporating your feedback from the last two
15 meetings into the revised legislation. . . .Our next steps are critical to the success of
16 your work put forth to date. Given that this is a short session, we will need to move
17 quickly if we are to get our legislation heard and approved. We will be working on
18 legislative and community based strategies to accompany the bill to Olympia and will
19 need your help and participation. . . .Additionally, a subcommittee has been formed to
20 begin working on the provisions that will be included at the local level." (**Exhibit**
21 **#21**).

22 29. Janet Pelz testified:

23 My role was to help the committee do the work that it set out for itself and my
24 recollection was that the committee itself was the instigator of the formation of
25 some subcommittees. . . .There was a subcommittee that was called community
strategy and that subcommittee was formed after the full Pro Parks committee

1 had endorsed a form of a modified MPD legislation that we were calling the
2 LPA at that point. **(J. Pelz Transcript, p. 14).**

3 30. On December 22, 1999, the PRO Parks 2000 Community Strategy Subcommittee held
4 a meeting. Three of the eleven attendees were members of the PRO Parks 2000
5 Committee. Deputy Superintendent Patricia McInturff testified that, “Anyone who
6 wanted to attend was a member. . . . It was informal, anyone in the Pro Parks committee
7 was invited to come to the meeting.” (P. McInturff transcript, p. 27). The others in
8 attendance included three Parks Department employees, one former Parks Department
9 employee, the lobbyist for the City of Seattle, a Seattle City Council member, and the
10 public affairs consultant for the Zoo Society. **(Doc 0811000059).** The three members
11 of the Pro Parks 2000 committee agreed to be the co-chairs of the Community Strategy
Subcommittee.

12 31. Ken Bounds testified regarding the subcommittee:

13
14 [W]hat I know is that the Pro Parks committee wanted to organize themselves,
15 again to be able to go out to the different community groups and talk about the
16 work that they had done so that they could communicate that work to those
17 community groups. Again, the primary purpose of that was to get good
18 accurate information because there were individuals, from our perspective and
19 from the committee’s perspective, [who] were spreading inaccurate information
20 to community groups and so we wanted to, before a community council passed
21 a resolution that said that they opposed or supported this legislation, we wanted
22 to make sure they had that information. And the Pro Parks committee members
23 were really serious about that because they were part of that network and they
24 knew how that worked and if you weren’t there and the conversation was
25 dominated by an individual or two individuals who weren’t part of the
committee and they painted the picture of we want to go out and sell all of the
parkland in Seattle and turn it into condominiums then it’s like apple pie and

1 motherhood and they get a resolution passedThey knew as well as we
2 knew that we had to at least get the information out to people and that's one
3 reason why we, we sent out as much as we could, as often as we could, so that
4 people could review for themselves. . . . (K. Bounds Transcript, p. 42-43).

5
6 32. During the subcommittee meeting, one Pro Parks 2000 committee member, Peter
7 Lukevich, stated, "We need five key votes – we need a parks oriented person on the R
8 side." Another member of the Pro Parks 2000 committee, Dan Stecher, said, "We need
9 to focus on the community councils." (Doc S0811000059).

10 33. The subcommittee had a "brainstorming session" during which they came up with
11 "possible activities of the Pro Parks committee." (P. McInturff transcript, p. 28). The
12 possible activities included:

- 13 • "Mayor – needs to call individual legislators – Susan"
- 14 • "Organize a lobby day in Olympia —Catherine to help"
- 15 • "Reach out to support groups-Peter has access to sports network statewide"
- 16 • "Get committee letter to legislators to PRO Parks 2000 members prior to
17 January 4th meeting-Beth"
- 18 • "Provide map with legislators' names and numbers so that PRO Parks
19 members will call individual legislators -Beth to get from Susan"
- 20 • "Get affiliations from PRO Parks members-Dan/Peter/Patricia S." (DOC
21 S0811000060).
- 22
- 23
- 24
- 25

1 34. Patricia McInturff testified regarding the brainstormed list of possible activities, “I
2 think it would be appropriate to say that most of these never happened.” (**P. McInturff**
3 **Transcript, p. 31**). “We did not organize a lobby day but some members did go down
4 and testify.” (**Transcript, p. 32**) They went in a private citizen’s van. (**J. Pelz**
5 **Transcript, p. 22 and Exhibit 52**).

6 35. Janet Pelz, hired to facilitate the PRO Parks 2000 Committee meetings, testified as
7 follows regarding getting affiliations from PRO Parks members:

8 [A]s part of this letter to legislators, we wanted to make them aware of the many
9 different affiliations that members of the committee had just to be able to help
10 people who did not know these individuals understand, you know, their
11 significant level of involvement in the community. (**J. Pelz Transcript, p. 25**).

12 36. On December 28, 2000, Kenneth Bounds and Deputy Superintendent Patricia McInturff
13 sent out a letter, using city resources, to “Park and Recreation advocates”. The letter
14 stated:

15 We are excited to announce that the legislation, crafted by the Pro Parks 2000
16 Committee, has been completed and forwarded to the State legislature. The
17 legislation is similar to what was proposed last year in terms of intent (funding
18 for Parks and Recreation and addressing the management needs of the Zoo and
19 Aquarium) but has gone much further in securing protections for citizen access
20 and oversight. The development of this legislation is also markedly different in
21 that it was created through an open public citizen process.

22 Enclosed [is] a copy of the legislation which has been revised to incorporate
23 additional comments from the last PRO Parks Committee meeting. . . .The Pro
24 Parks Committee continues to work hard...and will be looking for your support
25 when legislation is presented in Olympia. If you are interested in assisting the

1 Committee, or are part of an organization that is interested in learning more
2 about the legislation, please contact Beth Purcell....

3 Attached is the agenda for the next meeting. . . . **(Doc S081100 0063).**

4
5 37. In his interview by PDC staff, Superintendent Bounds explained:

6 Well, the main purpose of this letter is to again communicate to our vast and
7 varied constituent groups where we were in the process. . . . That was the main
8 intent of this was to keep people informed. We got criticized in 1999 for not
9 informing anybody and so we wanted to make sure everybody knew what was
10 going on and when. **(Bounds testimony, p. 37).**

11 38. Superintendent Bounds sent out another letter, also utilizing city resources, on January
12 5, 2000, to Community Council members. The letter stated in part:

13 In June, we convened the Pro-Parks 2000 Committee. . . .The Committee has
14 worked very hard over the past 7 months and has just recently completed their
15 first major task: a recommendation that the City of Seattle pursue funding
16 through legislation which would provide an alternative to the existing
17 Metropolitan Park District. . . .

18 The legislation, crafted by the PRO Parks Committee, has been completed and
19 forwarded to the State legislature. With a short legislative session beginning
20 January 10, we are contacting your organization and others like it, so that we
21 may discuss the work of the Committee and their recommendation. We hope to
22 gain your support in promoting the bill during this legislative session. We
23 welcome the opportunity to meet with you in the next few weeks to share more
24 information about this work and discuss how your organization can help our
25 efforts.

1 With a funding recommendation complete, the Committee will now turn its
2 attention to the significant inventory of parks projects requiring funding. . . .The
3 Committee plans to make recommendations on criteria for prioritizing these
4 funding needs within the resources that would become available through the
5 LPA. . . .

6 As always, the Committee's meetings are open to the public and a public
7 comment period is offered at the beginning of each meeting. The next meetings
8 are. . . .

9 We hope that you will feel free to contact either of us or the Pro-Park
10 Committee members, who represent you as fellow citizens, if you have any
11 questions or would like to meet with any of us to hear more about the
12 recommendations. **(Exhibit 28).**

13 39. On January 14, 2000, Superintendent Bounds sent a letter to Community Council
14 members, Neighborhood Stewards and Park Advocates, using city resources. The letter
15 included the same information as the January 5 letter and stated, "We hope to gain your
16 support in promoting the bill during this legislative session. We welcome the
17 opportunity to meet with you in the next few weeks to share more information about
18 this work and discuss how your organization can help our efforts." **(Doc S0811000091-
19 92).**

20 40. In his interview by PDC staff Superintendent Bounds testified:

21 Again this was part of a series of letters to keep people informed of where we
22 were in the process and to offer our availability in coming out and talking to the
23 community groups. We were, given the experience again in 99 of virtually no
24 communication, we felt like it was important to at least make ourselves
25 available to communicate with groups. And again we also knew that there was
plenty of misinformation about what this was and what it wasn't and we wanted

1 to at least have an opportunity to answer questions and describe, from our
2 perspective what it would do and what it's limitations were. (**Bounds**
3 **testimony, p. 39**).

4 41. Also on January 14, 2000, Patricia McInturff sent an e-mail, using city resources, to
5 Beth Purcell regarding a "Legislative Alert". The e-mail was forwarded by Ms.
6 Purcell, using city resources, to PRO Parks 2000 Committee members. The e-mail
7 stated: "Pro Parks Members, I just spoke with Susan Crowley. She asked that each of
8 you PLEASE contact your own Seattle legislator by e-mail, phone or if your (sic) are
9 really ambitious, in person to let them know that you support the LPA. She said it is
10 REALLY important that Seattle legislators hear from you ASAP." (**Doc S0911000090**)

11 42. On January 19, 2000 the bill had its first reading and was referred to the Senate State
12 and Local Government Committee. (**Exhibit 35**)

13 43. On January 21, 2000, Susan Crowley, City of Seattle lobbyist, contacted, via e-mail,
14 PRO Parks 2000 Committee member, Dan Stecher. Ms. Crowley's email said:

15 Thanks Dan –
16 These endorsements are very helpful, particularly since some members of the
17 Seattle delegation are hearing from other neighborhood groups (Eastlake and
18 Ravenna are two I've learned of) in opposition.

19 Are there groups in the 32nd, 43rd, or 46th legislative dist that can contact their
20 legislators with their support? Also,...please make sure each member of the
21 Committee has contacted all three of their legislators directly via phone and/or
22 email. For those coming down next Thurs for the hearing, please let me know
23 today who they are, when they will be arriving, how much time they have to
24 meet w/legislators, what district they care from, and who else they/their
25 organization(s) have good relationships with. (**Doc S0811000113**)

- 1 44. An assistant to Patricia McInturff sent an e-mail to Beth Purcell, using city resources,
2 regarding an urgent request from Ms. McInturff. The e-mail stated: "Patricia just
3 called and asked me to have you call all of the Pro parks people, Park Board people,
4 and any others of interest, asking for their grassroots support requesting them to call
5 and or email their Seattle legislators today and ask for their support." **(Doc**
6 **S0811000151)**
- 7 45. On January 24, 2000 Beth Purcell sent an e-mail, using city resources, to two
8 employees of the Parks Department. The e-mail stated: "Attached is the letter that went
9 out to community councils....The need for contacting legislators is NOW!!!! " **(Exhibit 41)**
- 10 46. Susan Crowley, City of Seattle Lobbyist, contacted Senator Jeanne Kohl-Welles on
11 January 24, 2000, via e-mail. The message to the senator stated, in part: "The Pro
12 Parks 2000 letter were (sic) delivered to all of the legislators today, and there is a copy
13 attached to your Seattle Legislative Bulletin as well. Grassroots efforts are continuing
14 with the help of Pro Parks, the Zoo Society and the Parks Dept. If there is something
15 else we need to be doing, please let me know." **(Exhibit 42)**
- 16 47. In addition, on January 24, 2000, Beth Purcell e-mailed Ken Bounds, Patricia McInturff
17 and Susan Crowley and said she had spoken with eight members of the Pro Parks 2000
18 Committee who "have committed to or have already contacted their reps in the
19 following districts..." The email refers to a conversation Beth Purcell had with Peter
20 Lukevich, a member of the Pro Parks Committee: "I spoke w/ Peter-he's spoken w/
21 Jacobsen and Kenney and was going to talk with McIntyre. We should talk to him
22 about his ability to trigger the fields email chain. It's a big one, and could be helpful if
23 they're willing to join in w/ the advocacy effort. Are there other related organizations
24 that have a similar capacity?" This e-mail also states: "Looks like we still need more
25 work in the 32nd and the 43rd- we need to get folks in to see Sen. Fairley and all the
legislators from the 43rd-Pat, Ed, Frank, or his sr aide Kollin. It would also be helpful

1 to see if any of the committee members have particularly good relationships w/any
2 legislators other than their own. Thursday is shaping up-but not yet solidified....If all
3 of those end up attending we will be at 8 which is what I understood is our target
4 number...FYI- I contacted James, Vivian, Sue Taoka, Mike Little, Kay Rood and Peter
5 – none of these [committee members] folks can make it on Thursday. If you have some
6 suggestions on the above list or want to see an extra effort with someone else on the
Committee, let me know and I will get the word out.” **(Doc S0811000134)**

7
8 48. On January 25, 2000, using city resources, Beth Purcell sent an e-mail entitled “Call to
9 Action” to PRO Parks 2000 Committee members. The message stated:

10 After all of the hard work that you have done, we are now at a very critical
11 milestone – getting through the Senate Committee. The committee hearing is
12 this Thursday. . . .We have been told by our lobbyists to have a good showing
13 from the Pro Parks Committee but not to flood the hearing... If you are
14 interested and available, please let me know so that I can let you know our
status and whether or not we need more folks to go down for the hearing.

15 Most importantly, legislators need to hear from you and they need to hear
16 ASAP!!!! They need to hear about the hard work that you have put in to this
17 Committee and they need to hear of your support for the Local Parks Authority
18 (LPA). Unfortunately, the messages that several legislators are hearing are
19 from the opposition. There are some legislators in particular that appear to be
20 concerned about the lack of positive supporters of the LPA and we would like
21 you to contact them now and let them know of your support.

22 The e-mail contained a list of legislators and their phone numbers. **(Doc S0811000178)**

23 49. On that same day, within two hours of Ms. Purcell sending the e-mail, Herbye White,
24 the Central Area Parks Director, one of the recipients of Ms. Purcell’s e-mail, sent an e-
25 mail, using city resources, to three of his employees. The Director informed his

1 employees that “we need to do everything we can to get the work (sic) out (without
2 using city resources) to have supporters call/email our State Legislators regarding Pro
3 Parks 2000 legislation...Please make a personal commitment to educate and
4 communicate the efforts of the Pro Parks 2000 and let me know what steps you
5 have/will take to enhance this major proposal.” **(Doc S0911000180)**

6 50. Beth Purcell sent another e-mail that day, using city resources, to Kenneth Bounds and
7 others confirming that a former Parks Department employee, Catherine Anstett, and
8 four PRO Parks Committee members, Dan Stecher, Karen Daubert, Tim Baker, and
9 Kathleen Warren, would attend the hearing in Olympia. Ms. Purcell continued by
10 saying: “I made lots of calls in addition to the ‘Call to Action’ email and got great
11 responses from our Committee-everyone said they would hammer away at those
12 legislators identified in the email as well as their own.” **(Doc S0811000161)**

13 51. Again on January 25, 2000, using city resources, Beth Purcell sent an e-mail to two
14 members of Pro Parks 2000. The message stated: “Jerry and Kay – Thank you both for
15 your efforts with both Friends of Seattles (sic) Olmsted Parks and the Capitol Hill
16 Stewardship committee. Attached is a draft letter of support that may help your
17 organizations voice their support for Senate Bill 6566. Please use it however it best
18 works for your representative organization. Kay – I realize that CH Stewards may not
19 have decided to send a letter or take action to support PRO Parks yet – but just in case
20 here it is.” The attached letter, addressed to Senator Patterson and Committee
21 members, urged support for Senate Bill 6566. **(Doc S0811000166)**

22 52. On January 26, 2000, Kenneth Bounds and Patricia McInturff sent a letter to Pro Parks
23 Members and Interested Citizens. The letter updated the reader on the progress of the
24 parks bill. **(Doc S0811000223)**
25

1 53. Also on January 26, 2000, Alix Ogden, a city employee, using city resources, sent an e-
2 mail modeled on Beth Purcell's January 25, 2000 e-mail entitled "Call to Action," to
3 several individuals. **(Exhibit 51)**.

4 54. On January 26, 2000, an e-mail was sent to Beth Purcell from Karla Shaw at the
5 Association of Washington Cities office in Olympia where the City's lobbyist is located
6 during the legislative session. Ms. Shaw wrote that "Susan asked me to see if I could
7 schedule meetings with Senators Fairley and Thibaudeau, and Representatives Murray,
8 Santos, Tokuda, Sommers and Dickerson...Rep. Murray to meet with Kathleen Warren
9 at 12:45 in JLOB 243. Rep. Dickerson to "unofficially" meet with Tim Baker ..." The
10 e-mail asked that each person traveling to Olympia stop by their legislators' offices and
11 leave notes that they had stopped by, and ask them to support the bill. **(Exhibit 60)**.

12 55. Organized in part by Beth Purcell and the Pro Parks Committee, on January 27, 2000,
13 five members of the PRO Parks Committee and Ken Bounds went to Olympia in a
14 private citizen's van. **(Exhibit 52)**. According to an e-mail sent from Beth Purcell on
15 January 26, 2000, to the people going to Olympia, "Catherine Anstett will be bringing
16 her van and everyone is meeting her at 10 Dexter Avenue N..."

17 56. Later that day, Susan Crowley e-mailed Beth Purcell. The e-mail stated, in part: "Hi
18 all - I just wanted to send a quick Thank You for taking the time to come down to
19 Olympia today to testify/show your support. ...I think it would be useful if you sent
20 thank you emails/calls to the members of the committee for hearing the bill (perhaps
21 mention a few salient points), and ask them to vote for the bill to pass out of
22 committee." **(Exhibit 53)**.

23 57. On January 27, 2000, Lucy Steers, a Pro Parks 2000 Committee member, sent an email
24 to members of the Senate State and Local Government Committee, stating:

25 I am writing to register strong support for SB6566, the package of amendments
to the existing MPD law which enables Seattle to create a Local Park Authority.

1 This package, as you may know, is the work of a 28 member citizen committee
2 of which I was a member. We worked hard to study the underlying funding
3 needs of our parks and recreation system, and to determine tools which could
4 best meet those needs. . . . The legislation being proposed this session arose
5 from an exhaustive, open and very broad-based process. Members of our
6 committee included opponents of last year's legislation, supporters, and many
7 who were neutral. The only thing we had in common was that we all cared
8 about the long term health of Seattle's parks system. . . .The LPA proposal you
have before your committee is a result of our work. **(Exhibit 54).**

9 Ms. Steers sent a copy of her email to Ken Bounds, who responded on January 29, saying,
10 "Lucy, Great e-mail. We are having trouble with Senator's Haugen and now Gardner. . . If
11 you haven't already, would you please send your message to them individually as well."
12 **(Exhibit 54).**

13 58. On January 29, 2000, Patricia McInturff e-mailed PRO Parks 2000 Committee
14 members:

15 We wanted to update you on what is happening in Olympia. Just as Susan
16 Crowley predicted, things are unpredictable and are changing on an hour-by-
17 hour basis. . . .On Friday we learned that one of our Yes votes, Sen Georgia
18 Gardner from Bellingham, may change her mind. . . .Our lobbyist had a strategy
19 session on Friday and decided that it would be prudent to develop a fall-back
20 position, in the event that the LPA bill dies in Committee. They all agreed that
21 the best fall back position would be to significantly amend the Horn Bill [a
22 different piece of legislation proposed by Senator Horn.]

23 Our purpose in writing is to keep you updated and ask for your help. If any of
24 you have influence or know of anyone who has influence with Senators Haugen
25

1 or Gardner, please contact them ASAP. Our first choice remains the passage of
2 the LPA. **(Doc S0811000280)**

3 59. On January 31, 2000, Patricia McInturff received an e-mail from the Woodland Park
4 Zoo Society public affairs consultant. The e-mail stated, in part: "Martin tells me that
5 Gardner received a flurry of email over the weekend, so our efforts to get folks to
6 contact her worked..." **(Doc S0901002005)**

7 60. On February 10, 2000, Jennifer Cargal, a park district employee, using City resources,
8 e-mailed Kenneth Bounds and other city employees a draft letter to be signed by Seattle
9 School Superintendent Joseph Olchesfske, addressed to a Senator Syd Snyder, stating
10 in part:

11 I am writing to convey my support for Senate Bill 6566 and request your
12 support for this important bill. As you may know, the Seattle School District
13 and Seattle Parks and Recreation have a strong partnership that allows us to
14 provide a broad range of services....

15 Our partnership on the use, maintenance and development of athletic fields has
16 allowed us to maximize the fields available for youth and adult play in a joint
17 system that is seamless to our citizens. Our Joint Use Agreement also provides
18 for shared use of schools, community centers and gyms. This strong and
19 historic partnership allows us to maximize the use of public facilities for our
20 community. **(Doc S081100 1586).**

21 61. Senate bill 6566 died in the State & Local Government Committee. (Exhibit 35).

22 62. The PRO Parks Committee continued meeting after the legislative session ended.
23 Patricia McInturff testified, "[T]hey had a whole body of work to do and I believe they
24 finished it in May I think when they make a recommendation to the Mayor on a 2
25

1 hundred million dollar levy that was passed by the citizens.” (P. McInturff Transcript,
2 p. 39). At that point the Committee disbanded.

3 Respectfully submitted this 19th day of June, 2001.

4
5
6 _____
Vicki Rippie, Executive Director

DATE SIGNED

7
8 _____
Laura Wishik, WSBA #16682
9 Law Office of Laura B. Wishik
10 Attorney for Respondents
City of Seattle
11 Seattle Department of Parks and Recreation

DATE SIGNED